IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19318 of 2007(Y)

PETITIONERS:

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1. A.GOPALAKRISHNAN, S/O.A.ARUMUGHAN,
   DEEPTI, BEYPORE, CALICUT - 673 015.

2. K.C.CHACKO, S/O.K.C.CHUMMAR, SHARON,
   KALOOR ROAD, MANKAVU, CALICUT - 7.

3. K.K.SOMAN, S/O.KUTTAN,
   KURUNNANVELIL HOUSE, MALAPPARAMBA.
   CALICUT - 9.

BY ADV. SRI.P.I.DAVIS

RESPONDENTS:

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1. KOZHIKODE CORPORATION, REPRESENTED BY
   ITS SECRETARY, KOZHIKODE - 2.

2. STATE OF KERALA, REPRESENTED BY ITS
   SECRETARY, LOCAL SELF GOVERNMENT
   DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.P.V.KUNHIKRISHNAN,SC,KOZHIKODE CORP
R2 BY GOVT. PLEADER SRI. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19318 of 2007

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Dated this the 25th day of June, 2007

JUDGMENT

Petitioners are admittedly in arrears in the matter of payment of licence fee in respect of the shops in their possession, though they approached the Government by way of representation, that stands rejected. I am not impressed with the contention of the petitioners based on the allegation against the order of the Government. Admittedly the representation filed by the petitioners is not a statutory revision. But then learned counsel for the petitioners submits that even then the amount of arrears being huge, they may be permitted to pay off the amount in six instalments.

2. I heard Sri. P.V.Kunhikrishnan, learned counsel appearing for the first respondent. He submits that as on 30.4.2007 the amount due is Rs.13,44,071/-. Considering all aspects, the writ petition is disposed of as follows:

The first respondent will serve a statement on the petitioners showing the exact amount due from the petitioners within a period of

three weeks from today. The petitioners are permitted to make the payments due from them as follows:

Proceedings against the petitioners will be kept in abeyance on the following conditions:

The petitioners pay a sum of Rs.Two Lakhs each within a period of one month from today. Thereafter upon receipt of the statement from the first respondent, the petitioners are permitted to pay off the amount in five equal monthly instalments, the first of which shall be paid on or before 10.8.2007. Petitioners are to pay the remaining instalments on or before the 10th of the succeeding months. If the petitioners commit default in payment of either the amount of Rs.Two Lakhs or any of the instalments, they will loose the benefit of this judgment and the first respondent is free to proceed against the petitioners in accordance with law.

(K.M. JOSEPH, JUDGE)

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